

REMARKS

Claims 1-10 remain pending in the above-identified application and stand ready for further action on the merits. No amendments to the claims are made in this response.

Accordingly, proper consideration of each of the pending claims is respectfully requested at present, as is entry of the present amendment.

Claim Rejections under 35 U.S.C. §§ 102 and 103

Claims 1, 2, 4 and 6-8 are rejected under 35 U.S.C. § 102(a) or (e) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Saito et al. US '177 (US 2004/0137177).

Claims 3, 9 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Saito et al. US '177.

Further, claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Saito et al. US '177, as applied to claim 1, in further view of Mueller US '765 (US 2006/0093765).

Finally, claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Saito et al. US '177, as applied to claim 1, in further view of Osame et al. US '940 (US 6,663,940).

Applicants respectfully traverse these rejections and request that the Examiner withdraw the rejections based on the following considerations.

Distinctions and Nonobviousness over the cited references and the Combination thereof

As recited in claim 1, the present invention is directed to a compartmented container to hold two or more contents separately in individual compartments, which is formed from a resin film or sheet having a heat-sealable layer on at least one side thereof so that the heat-sealable

layer constitutes the inner walls of said container, and the opposing inner walls are heat-sealed partially and peelably to form the weakly sealed part which divides the inside of the container into compartments, wherein said heat-sealable layer is formed from a composition of propylene copolymer composed of the following components (A) and (B), wherein:

Component (A): a propylene copolymer composed of propylene and ethylene and/or C₄₋₈ α -olefin, which gives such a specific ratio of the amount of elution measured by the temperature rising elution fractionation method (at temperatures ranging from 0°C to 140°C with o-dichlorobenzene as a solvent) that the ratio of the amount of elution at 0°C to the whole amount of elution is not less than 15 wt% and not more than 50 wt%, and the ratio of the amount of elution at 60°C to 90°C to the whole amount of elution is not less than 5 wt% and less than 15 wt%, and

Component (B): a propylene copolymer composed of propylene and ethylene and/or C₄₋₈ α -olefin, which gives such a specific ratio of the amount of elution measured by the temperature rising elution fractionation method (at temperatures ranging from 0°C to 140°C with o-dichlorobenzene as a solvent) that the ratio of the amount of elution at 0°C to the whole amount of elution is not less than 0 wt% and not more than 25 wt%, and the ratio of the amount of elution at 60°C to 90°C to the whole amount of elution is not less than 15 wt% and not more than 70 wt%.

The claimed multi-chamber container has its interior partitioned by a weak seal portion provided through detachable heat sealing so that multiple contents are accommodated separately from each other (the claimed feature 1), and the heat seal layer comprises a composition containing two types of propylene copolymers components (components A and B) of propylene and ethylene and/or a C₄-C₈ α -olefin (the claimed feature 2), and further, the components A and

B have claimed elution properties that the ratio of the amount of elution to the total solution according to the TREF method (a temperature rising elution fractionation method) at the claimed temperature, *etc.* (temperature: 0 to 140°C, and solvent: ODCB (o-dichlorobenzene)) (with respect to component A: 15 wt% to 50 wt% at 0°C, and 5 wt% to less than 15 wt% at 60 to 90°C, and with respect to component B: 0 wt% to 25 wt% at 0°C, and 15 wt% to 70 wt% at 60 to 90°C) (the claimed feature 3).

Especially, because of the features 2 and 3, the heat sealable layer exhibits a wide range of temperature in which the change of seal strength is comparatively small for large change heat sealing temperature. Because of this property, the weakly sealed part has a seal strength that can be controlled easily and freely (advantageous properties).

In the last response filed December 21, 2009, Applicants explained that a container of Saito et al. US '177 did not attain the wide range of temperature, at which the change of seal strength is relatively small for large change of heat sealing temperature, as the present invention attains. Further, it was explained in the last response that i) in Saito et al. US '177, the range of heat seal temperature at weak seal portion is 20°C (*i.e.*, 120-140°C) under condition where a pressure of 4 kgf/cm² (0.4 MPa) and a sealing time of 5 seconds is kept (TABLE 3 and paragraph [0151]), whereas, in the present invention, the range of heat seal temperature at weak seal portion is 35°C (*i.e.*, 145-180°C) under the condition where pressure of 0.2 MPa and a sealing time of 2 seconds are kept (see Table 1 at page 25 of the specification), ii) the wider range of heat seal temperature means that the seal strength is more effectively controllable, and iii) therefore, the present invention having 15°C wider range of heat seal temperature exhibits better properties than Saito et al. US '177's. (The remarks set forth in the last response are incorporated herein by reference, and the Examiner is respectfully requested to consider the same

as they are believed to remain pertinent to the outstanding rejections, vis-à-vis, the pending claims.)

In this regard, per the Examiner's indication (see the paragraph bridging pages 12 and 13 of the Office Action), a declaration under 37 C.F.R. § 1.132 is attached hereto. The declaration demonstrates that the present invention has a wider range of heat seal temperature than the invention of Saito et al. US '177 by applying the present sheet (sheet 1) of Example 1 to the heat sealing conditions of Saito et al. US '177 as shown at paragraph [0151]. According to an evaluation manner of Saito et al. US '177 as disclosed at paragraph [0080], the strong sealed portion has 180° peel strength of usually 3 to 6 kgf/15mm, and the weak sealed portion has a 180° peel strength of usually 0.2 to 2 kgf/15mm. Thus, the evaluation manner was adopted in the experiment in the declaration. The results are shown in Table 2 of the declaration (see attachment).

As shown in Table 2 (see the 3rd page of the declaration), it is evident that in using the present sheet, the range of heat seal temperature at the weak seal portion is 60°C (i.e., 130-190°C). On the other hand, when the sheet of Saito et al. US '177 is used, the range of heat seal temperature at the weak seal portion is only 20°C (i.e., 120-140°C). As explained above, the wider range of heat seal temperature means that the seal strength is more effectively controllable. Therefore, it is further clarified in view of the declaration that the present invention having a 40°C wider range of heat seal temperature exhibits more advantageous properties than Saito et al. US '177.

Also, as explained in the last response, the difference of the properties between the present invention and the invention of Saito et al. US '177 is attributed to the copolymer having the claimed ratio of amount of elution which is defined by the claimed analytical method of

TREF being a measurement of an amount of elution to ODCB at temperatures of 0°C and 60-90°C. Saito et al. US '177 merely employs a copolymer in accordance with a measurement of an amount of elution to xylene at room temperature $23\pm 2^{\circ}\text{C}$ (see paragraph [0106]). In short, such difference of the analytical methods brings about the difference of the copolymers, and also the difference of the range of heat seal temperature.

Thus, Saito et al. US '177 fails to disclose or suggest the claimed feature 3, and the claimed invention exhibits advantageous properties which are not expected by the Saito et al. US '177.

Similarly, the secondary references (*i.e.*, Mueller US '765 and Osame et al. US '940) also fail to disclose or suggest the claimed features.

Therefore, the present invention is distinguished from each of the cited references. Also, as explained above, since none of the cited references discloses or suggests, at least, the claimed feature 3, a *prima facie* case of obviousness is not established based on the combination of the cited references. Likewise, there is not provided any rationale and/or reasonable expectation of success based on the combination of the cited references, by which one skilled in the art could arrive at the present invention as claimed. Thus, it is submitted that the present invention is not obvious over the primary reference Saito et al. US '177 in view of the secondary references (Mueller US '765 and Osame et al. US '940).

Based on the foregoing considerations, Applicants respectfully request that the Examiner reconsider and withdraw the rejections.

CONCLUSION

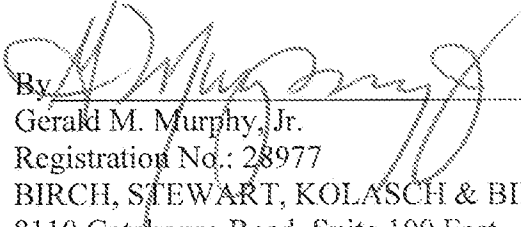
Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of the pending claims is allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Toyohiko Konno, Registration No. L0053, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

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Respectfully submitted,

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Attachment: Declaration under 37 C.F.R. § 1.132